

ESTTA Tracking number: **ESTTA695816**

Filing date: **09/14/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200832
Party	Defendant Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)
Correspondence Address	SARAH R FRAZIER WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE ST BOSTON, MA 02109 UNITED STATES michael.bevilacqua@wilmerhale.com, john.regan@wilmerhale.com, shira.hoffman@wilmerhale.com, sarah.frazier@wilmerhale.com, si- lena.paik@wilmerhale.com,
Submission	Defendant's Notice of Reliance
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Date	09/14/2015
Attachments	NOR 10- Hoag (FINAL - Public)_(148480925)_(1) (2).pdf(52870 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

BRIGGS & STRATTON CORPORATION and  
KOHLER CO.,

Opposers,

v.

HONDA GIKEN KOGYO KABUSHIKI  
KAISHA,

Applicant.

)  
)  
)  
)  
) Opposition No. 91200832 (parent)  
)  
) Opposition No. 91200146  
)  
) Application Serial No. 78924545  
)  
)  
)  
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)

**APPLICANT’S TENTH NOTICE OF RELIANCE**  
**(PUBLIC VERSION – REDACTED)**

Pursuant to 37 C.F.R. § 2.120(j), Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) submits, and gives notice of its reliance on, portions of the expert report and August 23, 2007 deposition of Kevin Hoag from *American Honda Motor Co., Inc. v. The Pep Boys*, 2:05-cv-08879-WDK-VBK (C.D. Cal. Nov. 13, 2007). The parties have stipulated to the admission of excerpts of Mr. Hoag’s deposition and expert report. *See* Dkt. No. 1415. Opposers designated certain sections of this transcript as Exhibit I to their Second Notice of Reliance. Honda hereby counter-designates the following portions of Mr. Hoag’s deposition and expert report which should in fairness be considered so as to give context to the portions of the transcript offered by Opposers and to prevent any potential for the reader to be misled and for completeness.

Attached hereto are the excerpts of Mr. Hoag’s deposition transcript and expert report identified below at the specified Trial Exhibit Numbers.

<b>Description</b>	<b>Applicant Trial Exhibit No.</b>
Excerpts of August 23, 2007 Deposition of Kevin Hoag in <i>American Honda Motor Co., Inc. v. The Pep Boys</i> , 2:05-cv-08879-WDK-VBK (C.D. Cal. Nov. 13, 2007)	O
Excerpts of Expert Report of Kevin Hoag in <i>American Honda Motor Co., Inc. v. The Pep Boys</i> , 2:05-cv-08879-WDK-VBK (C.D. Cal. Nov. 13, 2007): 19:24-20:8 31:12-32:16 62:4-10 97:16-99:16 131:18-132:8 135:20-137:26 144:24-145:23 165:6-26 169:24-171:24 182:6-184:12 192:2-195:8 195:20-197:8 202:16-203:26 209:26-210:6 210:24-212:16 302:22-305:14 311:10-312:24 463:4-464:12 468:4-470:12 471:8-472:4 486:2-14	P

The designated portions of Mr. Hoag’s deposition and expert report are relevant to the non-functionality of the applied-for mark in this proceeding. Honda therefore intends to rely upon and hereby make of record the attached exhibits.

Honda designated Mr. Hoag’s deposition transcript and expert report “Confidential” pursuant to the protective order entered into by the parties and approved by the Board.

Accordingly, Honda is simultaneously filing and serving a redacted copy of this Notice of Reliance.

*Respectfully submitted,*

Dated: September 14, 2015

/s/ Silena Paik

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Attorneys for Honda Giken Kogyo  
Kabushiki Kaisha

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Tenth Notice of Reliance was served by FedEx  
this 14th day of September, 2015 upon:

Kenneth Nowakowski  
Melinda Giftos  
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555 E. Wells Street, Suite 1900  
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And

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/s/ Silena Paik

Silena Paik

# Applicant Exhibit O

## Confidential

# Applicant Exhibit P

## Confidential